

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REVEREND KEITH LESLIE CYRIL MANCINI, et al.,

Plaintiffs,

v.

9:19-CV-0039
(BKS/DEP)

SCHENECTADY COUNTY JAIL,

Defendant.

APPEARANCES:

KEITH LESLIE CYRIL MANCINI

Plaintiff, pro se

19-A-0321

Downstate Correctional Facility

Fishkill, NY 12524

JOSHUA SANTIAGO

Plaintiff, pro se

54211

Schenectady County Jail

320 Veeder Ave.

Schenectady, NY 12307

SHANNON NISBY

48783

Schenectady County Jail

320 Veeder Ave.

Schenectady, NY 12307

BRENDA K. SANNES

United States District Judge

DECISION AND ORDER

This action was commenced by pro se plaintiffs Reverend Keith Leslie Cyril Mancini ("Mancini"), Joshua Santiago ("Santiago"), and Shannon Nisby ("Nisby") pursuant to 42 U.S.C. § 1983 against defendant Schenectady County Jail. At the time of filing the complaint, none of the plaintiffs had either paid the filing fee of \$400.00 required for filing a civil action in federal court or submitted a completed and signed in forma pauperis ("IFP") application and inmate authorization form. On February 7, 2019, the Court issued a Decision and Order directing each of the plaintiffs to submit either the \$400.00 filing fee in full or a completed IFP application within 30 days of the filing date of the Order. Dkt. No. 4 ("February Order").

Following the issuance of the February Order, plaintiff Mancini submitted an IFP application to the Court. Dkt. No. 7. The Court then issued a Decision and Order on March 4, 2019, denying the IFP application as incomplete. Dkt. No. 9 ("March Order") at 5. The March Order provided plaintiff Mancini a final opportunity to either pay the full filing fee or submit a completed IFP application within 30 days of the date of the Order. *Id.* at 5-6. The Court repeated its warning to plaintiff Mancini (which was first provided to all plaintiffs in the February Order) that his failure to comply with the filing fee requirements would result in the termination of him from the action and dismissal of all claims in the action asserted by him. *Id.* at 6. The March Order also reminded plaintiffs Santiago and Nisby of their obligation to either pay the full filing fee or submit a completed IFP application if they wished to pursue this lawsuit. *Id.* at 5 n.2.

The March Order was mailed to plaintiff Nibsy at the Schenectady County Jail on March 4, 2019, and subsequently returned to the Court as undeliverable. Dkt. No. 10 at 1.

To date, the Court has not received a filing fee or completed IFP application from any of the plaintiffs. In addition, the Court has received no direct correspondence from either plaintiff Santiago nor plaintiff Nibsy during the pendency of this litigation.

Based on the foregoing and plaintiffs' repeated failures to comply with the filing fee requirements as set forth in the Court's prior orders, this action is dismissed without prejudice.


WHEREFORE, it is hereby

ORDERED that this action is **DISMISSED without prejudice** due to plaintiffs' repeated failure to comply with the filing fee requirements for this action; and it is further

ORDERED that the Clerk shall serve a copy of this Decision and Order on plaintiffs.

IT IS SO ORDERED.

Dated: April 23, 2019


Brenda K. Sannes
U.S. District Judge